

**ORDINANCE # 382**

**ORDINANCE PROHIBITING THE BURNING OF TRASH,  
DEBRIS, GRASS, AND OTHER FLAMMABLE MATERIAL  
WITHIN THE LIMITS OF THE CITY OF WAVELAND  
WITHOUT HAVING FIRST OBTAINED A PERMIT TO DO SO.**

**IT IS HEREBY ORDAINED** by the Mayor and Board of Aldermen of the City of Waveland, Mississippi as follows:

**SECTION I.** It shall be unlawful for any person to burn any debris, trees, trash, grass, or any other flammable material within the limits of the city of Waveland without having first obtained a permit from the Fire Chief, or an authorized member of the Waveland Fire Department.

**SECTION II.** The permit shall be issued only for such fires which can be conducted under controlled circumstances and without danger to life or property. Waveland Fire Department Controlled Fire Authorization states the following shall be the guidelines for issuance of a permit:

CLASS NO. 1 CONTAINED FIRE: In a wire burner, metal drum, outdoor fireplace, etc. with a minimum of 15 feet from any structure.

CLASS NO. 2 OPEN FIRE: Safe area around fire with continual standby, (competent person), with a height of material not to exceed three (3) feet and five (5) feet in diameter. A garden hose on standby, with a minimum distance of 50 feet from any structure, with area cleared to prohibit spread within that 50 feet.

Upon a justifiable complaint from citizens, or if fire is endangering passerby such as public street or private property, said fire shall immediately be extinguished as directed by the fire department. All fires shall be constantly attended until fire is out. Permits do not authorize lot clearing or burning. The City of Waveland prohibits burning on city roads, streets, ditches, ditch banks and city right-of-way.

**SECTION III.** The permit shall be valid for 30 days unless canceled or revoked by Waveland Fire Department due to a burn ban or violation of this ordinance. Upon continuous violation Waveland Fire Department shall have the right to prohibit issuance of a permit to said address or person.

**SECTION IV.** The issuance of such permit shall in no way relieve the person obtaining same from responsibility for burning of said fire in a safe and prudent manner and in a manner which shall not endanger life, health, or property.

**SECTION V.** The City of Waveland shall assume no liability for the issuance of said permit and the issuance of said permit shall not be considered as a guarantee or warranty that said fire is safe and will cause no danger to life, health, or property.

**SECTION VI.** Said prohibition shall not apply to the operation of properly constructed fireplaces within a dwelling house.

**SECTION VII.** Waveland Municipal Court shall be the proper venue for the enforcement of violations of this ordinance. Any person, firm, or corporation who violates this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).

**SECTION VIII.** The Fire Chief for the Waveland Fire Department, on behalf of the City of Waveland, shall and does hereby have the authority to issue a city-wide burn ban when in his or her professional judgment deems it necessary for the protection of life and property. Burn bans issued by the Waveland Fire Chief shall include and exclude the following:

**What is Not Allowed During a Burn Ban**

Anything with an open flame that produces an ember is not allowed during a burn ban. The wind can carry floating embers away from the original fire and start a spot fire up to one-half mile away from the burning area. This includes:

- Campfires
- Bonfires
- Fire pits
- Fire rings
- Burn barrels
- Debris burning
- Field burning

**What is Allowed During a Burn Ban**

- Propane / Gas grills
- Propane / Gas heaters
- Charcoal grills

**SECTION IX.** Ordinance No. 142 previously adopted is hereby repealed.

**SECTION X.** This Ordinance shall become effective 30 days after its passage and shall be published in a newspaper having general circulation in Hancock County, Mississippi.

The sections of this Ordinance and the provisions hereunder are separate and independent of each other; and if any Section, Sub-Section, clause, phrase, or portion of this Ordinance, or the application thereof be held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect remaining portions of the Ordinance.

Alderman Gamble moved, seconded by Alderman Clark to approve this Ordinance Prohibiting the Burning of Trash, Debris, Grass and Other Flammable Material within the limits of the City of Waveland without having first obtained a Permit to do so.

The motion having received the affirmative vote of the Board of Mayor and Aldermen of the City of Waveland, Mississippi, the Mayor declared the motion carried and the ordinance adopted on this the 16<sup>th</sup> day of August, 2023.

APPROVED:

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Jay Trapani, Mayor

ATTEST:

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Lisa Planchard, City Clerk